

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the foregoing amendments and the following remarks.

Claims 1 - 16 are pending in the application. Claims 1, 4, and 14 - 16 have been amended.

Inclusion of the phrase "preferably from 0.5 to 3.0% by weight" in claims 14 - 16 was an inadvertent typographical error. In the amended claims, that phrase has been deleted.

Claims 1 - 16 are rejected under the judicially created doctrine of obviousness double patenting over co-pending Application Serial Nos. 09/791,447, 09/781,802, and 09/781,722. *The instant application and Application Serial Nos. 09/791,447, 09/781,802, and 09/781,722 were, at the time of the instant invention was made, owned by Mitsubishi Polyester Film GmbH.* Accordingly, Application Serial Nos. 09/791,447, 09/781,802, and 09/781,722 are disqualified as references against the instant invention.

Claims 1 - 16 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over the

claims of co-pending Application No. 09/421,068. An appropriate terminal disclaimer will be filed. Accordingly, this rejection will be overcome.

The \$103 rejection based upon Sasaki et al in view of Reidel et al or Minami et al or Kajiura et al in view of GB '596 or Balog et al and in view of Peiffer et al is distinguished. Sasaki et al discloses a polyester film with fine voids (hazy, but not white) that includes a second component (B). Component (B) may be a cycloolefin polymer (no further definition, and teaches 'polymer' and not copolymer), but polystyrene and polyolefins are preferred.

Column 4, line 61 - Column 5, line 5. Component (B) is a void-forming source in the polyester. Column 4, lines 53-60. Reidel et al, Minami et al, and Kajiura et al disclose COC's or COC/acrylic copolymers. None of these secondary references, however, suggest that they can be used as an additive in a white polyester film containing regrinded material to prevent "yellowing." To the contrary, Reidel et al suggests that these materials are used as additives in polyolefin films, and does not mention polyester films, white polyester films, white polyester films with regrind, or yellowing. Minami et al suggests these materials would make good molded parts, and makes no mention of its use as an additive in a polyester film to prevent yellowing. Column 15, line 53 - Column 16, line 14. Kajiura et al suggests that these materials would make good transparent molded parts, including films, but does

not mention its use as an additive to a polyester film for any purpose. Column 8, lines 45-59. Accordingly, where is the suggestion to combine these references. The Examiner's assertion that it would be obvious to one of ordinary skill at page 9 of Paper No. 10 is improper. MPEP 2143.01, sections citing *In re Mills* and *In re Livengood*. The primary reference does not mention the COC copolymer. The secondary references do not suggest that the COC copolymer can be used as an additive in a white polyester film with regrind to prevent yellowing. This rejection must be removed.

The \$103 rejection based upon JP '319, JP '349, and JP '717 in view of GB '596 or Balog et al and in view of Peiffer et al is distinguished. JP '319 discloses a polyester film having a void forming component, and that component is a cyclic olefin/ethylene copolymer with a Tg less than 100°C. Paragraph 0010, Table 3. JP '349 discloses a polyester film having a void forming component, and that component is a cyclic olefin (not a copolymer). Paragraph 0009, 0020. JP '717 discloses a polyester film void-former, the void former is a cycloolefin (not a copolymer). Paragraph 0023. None of these references suggest that COC copolymers can be used as an additive in a white polyester film containing a reground material to prevent "yellowing." Accordingly, these references are distinguished and the rejection must fail.

In view of the foregoing amendments and comments, Applicant respectfully requests an early Notice of Allowance in the instant application.

Respectfully submitted,

*K. Schweitzer*

Klaus Schweitzer  
See attached Limited Recognition  
Under 37 CFR§10.9(b)

ProPat L.L.C.  
2912 Crosby Road  
Charlotte, NC 28211  
Telephone: 704-365-4881  
Facsimile: 704-365-4851

E:\FIRMDOCS\2020\007\AF081203.doc

**OFFICIAL**  
**GROUP 1700**  
**AUG 18 2003**  
**FAX RECEIVED**